

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MARIO CISNEROS,

Plaintiff

V.

NEVADA DEPARTMENT OF
CORRECTIONS,

Defendant

Case No.: 3:23-cv-00629-ART-CSD

Order

Plaintiff, who was represented by counsel, filed his original civil rights complaint against Nevada Department of Corrections (NDOC) on December 8, 2023. (ECF No. 1.) No proof of service was filed indicating NDOC was served with the summons and complaint.

13 Plaintiff, again through counsel, filed a first amended complaint (FAC) on March 6,
14 2024. (ECF No. 6.) Under Federal Rule of Civil Procedure 4(m), Plaintiff had 90 days to serve
15 the summons and FAC on NDOC. Before that time period expired, Plaintiff's counsel moved to
16 withdraw. (ECF No. 8.) The court held a hearing on April 23, 2024, and granted the motion to
17 withdraw. Plaintiff was given until June 21, 2024, to retain new counsel; otherwise, he would be
18 litigating this case pro se. He confirmed his understanding. (ECF No. 13.) To date, no notice of
19 appearance has been filed by counsel and nothing further has been done to prosecute this action.
20 There is no proof of service of the summons and FAC on NDOC in the record.

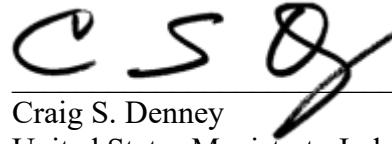
The Clerk shall **ISSUE** a summons for Plaintiff to serve along with the FAC on NDOC.

22 Plaintiff has until **January 15, 2025**, to file a proof of service of the summons and FAC
23 on defendant NDOC in compliance with Rule 4 of the Federal Rules of Civil Procedure.

1 If Plaintiff fails to timely file a proof of service, this action may be dismissed without
2 prejudice pursuant to Federal Rule of Civil Procedure 4(m).

3 **IT IS SO ORDERED.**

4 Dated: October 31, 2024


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6 Craig S. Denney
United States Magistrate Judge

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